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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,535

Applicant(s)

KOCHANSKY, JOSEPH

Examiner

KENNETH L. BARTLEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1, 6, 7, 22-25, 28 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 22-25, 28 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 29, 2010 has been entered.

Response to Amendment

2. Claim 22 has been amended. Claims 2-5, 8-21, 26-27, and 29-31 have been canceled. Claims 1, 6-7, 22-25, 28, and 32 are pending and are provided to be examined upon their merits.

Response to Arguments

3. Applicant's arguments filed March 29, 2010 have been fully considered but they are not persuasive. A response is provided below in **bold**.

Applicant argues 35 U.S.C. § 112 rejections, starting pg. 8 of Remarks:

In the Office Action, claims 15, 18, and 25 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Asserts that the cited claims invoke means-plus-function language, as defined in 35 U.S.C. § 112, sixth paragraph, "where no structure is provided in the specification to support such usage." Claims 15 and 18 have been canceled; the rejection is now moot with respect to these claims.

Withdrawn to claims 15 and 18.

Applicant respectfully submits that, with regard to claim 25, the specification discloses sufficient structure to meet the definiteness requirement of 35 U.S.C. § 112, second paragraph. To meet the requirement, the structure corresponding to a means-plus-function claim must be disclosed in the specification itself in a way that one skilled in the art will understand what structure will perform the recited function. See *Atmel Corp. v. Information Storage Devices, Inc.*, 198 F.3d 1374, 1381 (Fed. Cir. 1999). The disclosure of the structure may be implicit in the specification if it would have been clear to those skilled in the art what structure corresponds to the means-plus-function claim language. See *Id.* at 1380. Applicant's specification recites a number of structural elements, including an analytical server, a data storage device having a plurality of processors, and a data input/output device. See Specification, page 7, lines 8-20.

A person skilled in the art to which the invention pertains would readily understand which of the structural elements recited in the specification would perform the functions recited in claim 25. For example, a person of ordinary skill in the art would easily understand that the data that the disclosed analytical server could act a "means for calculating a transaction limit" as recited in the claim.

The Office further asserts that claim 25 is indefinite because "[t]he specification does not explicitly limit the implementation of the 'means for' structure using a specific (non-general) computer with a specific algorithm for the stated functionality." The Office further argues that there "is no specific software code (algorithm) provided in the specification." As support for its arguments, the Office cites to the recent Federal Circuit decision in *Aristocrat Technologies v. International Gaming Technology*, 521 F.3d 1328 (2008). However, the Federal Circuit made it clear in that case that a general purpose computer programmed to carry out a particular algorithm "in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software" and that the instructions of the software program in effect "create a special purpose machine for carrying out the particular algorithm." *Id.* at 1333.

The Federal Circuit further clarified that an applicant is "not required to produce a listing of source code or a highly detailed description of the algorithm to be used to achieve the claimed functions in order to satisfy 35 U.S.C. § 112 ¶ 6." *Id.* at 1338. All that is required is the disclosure of the algorithm that transforms the general purpose microprocessor into a special purpose computer programmed to perform the disclosed algorithm. *Id.* The disclosure of the present application

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discloses such an algorithm. See, e.g., Fig. 3. Consequently, claim 25 meets the definiteness requirement of 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection is respectfully requested.

The Examiner agrees that program code is not required, but an algorithm is required. Claim 25, as one example, has a "means for determining whether each compliance rule...applies to the proposed transaction." Fig. 3, ref. 240 does not provide an algorithm to carry out the step of determining, it just states the step of determining (determine). One of ordinary skill in the art would need to know how Applicant's invention implements this step (the algorithm for this step). Fig. 3 in fact maps steps to the claim steps (e.g. another example, Fig. 3, ref. 210 receives a request to analyze with no steps provided for how receiving is accomplished). The purpose of means-plus-function language is to bring into the claims structure or steps so the structure or steps do not have to be listed in detail in a claim.

This rejection is respectfully maintained for claim 25 unless Applicant can provide the algorithms in the specification for the various steps.

The Office also argues that claim 22 is indefinite under 35 U.S.C. § 112, second paragraph, arguing that it is indefinite as to how a computer would perform the step of specifying the buying power of a portfolio. The Office states that computers "can calculate and sort, but not specify" and that specifying "is normally done by humans."

Claim 22 explicitly states that the buying power is equal to the transaction limit for the most restrictive of the applicable compliance rules. Applicant submits that it is well within the ability of the disclosed computer system to "specify" a buying power, that is, to calculate the transaction limit for each of the compliance rules and determine which is the most restrictive. However, in the interest of furthering prosecution, claim 22 has been amended to indicate that the buying power is calculated rather than specified. Withdrawal of the rejection is respectfully requested.

Withdrawn based on claim amendment.

Applicant argues 35 U.S.C. § 112 rejections, starting pg. 10 of Remarks:

The Office asserts that under 35 U.S.C. § 103(a), claims 1, 22, 25, and 32 are unpatentable over U.S. Patent No. 5,893,079 to Cwenar in view of U.S. Patent Application Publication No. 2002/0082979 to Sands and U.S. Patent Application Publication No. 2002/0059107 to Reich.

Independent claim 1 recites a method of determining the buying power of an investment portfolio for a given security. The method includes storing a set of

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compliance rules in a database and calculating a transaction limit for a proposed transaction involving the security for each compliance rule. The method also includes sorting the set of compliance rules from most restrictive to least restrictive and displaying a buying power message box showing the sorted set of compliance rules along with the calculated transaction limit for each rule. A rule description box is also displayed with the buying power message box; the rule description box defines how the transaction limit was calculated. This functionality allows a portfolio manager to quickly ascertain the buying power of a portfolio and to better understand the basis for any transaction limits.

From Applicant's comment above...

>>A rule description box is also displayed with the buying power message box; the rule description box defines how the transaction limit was calculated. This functionality allows a portfolio manager to quickly ascertain the buying power of a portfolio and to better understand the basis for any transaction limits.<<

The problem is that displaying is considered non-functional descriptive material and given no patentable weight. Also, a manager (human being) interpreting the display is abstract.

Cwenar, Sands, and Reich, either individually or in combination, fail to render independent claim 1 obvious. Cwenar discloses a computerized data processing system that includes functionality for comparing a proposed trade with a group of rules which can be prioritized with respect to legal or business standards. Cwenar fails to disclose or suggest displaying a buying power message box showing a list of compliance rules along with a rule description box that defines how a transaction limit was calculated for each compliance rule. The system disclosed in Cwenar allows a user to input rules through an external interface. See col. 11, lines 44-45. The rules may be stored on a local computer or in a central database. See col. 11, lines 46-51. The rules can be based on legal requirements, see col. 12, lines 6-7, or can be discretionary and customized to the preference of a user. See col. 12, lines 40-42. When a transaction is found to violate the rules the trade is stopped, and an audit trail report is prepared. See col. 12, line 27-29. If the transaction is found to be consistent with the rules, the trade proceeds and a user receives a compliance approval report. See col. 12, lines 41-47.

From above...

>>Cwenar fails to disclose or suggest displaying a buying power message box showing a list of compliance rules along with a rule description box that defines how a transaction limit was calculated for each compliance rule.<<

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Respectfully Cwenar does not have to. Another way to look at this is if displays were patentable (non-functional descriptive material), any display ever created on a computer that was different could be patented as being unique.

Cwenar, even if combined with Sands and Reich, simply does not disclose the step of displaying a buying power message box listing compliance rules together with a rule description box showing how transaction limits for the compliance rules were calculated. The system of Cwenar may terminate a transaction that is found to violate the rules and generate an audit report indicating that the rules were violated. However, the system described in Cwenar does not provide a portfolio manager with the description of how the rule was calculated.

Functionality can be provided to displays if the display is used in a functional and non-abstract manner. For example, some displays provide an alert that a price level has been exceeded, causing a trade to be placed. In the current claims, just displaying information to a person is both descriptive and abstract.

Combining the disclosures of Sands and Cwenar does not render claim 1 obvious. Sands discloses a system for pre-trade compliance checking in a mutual funds portfolio management process. The system allows a trader to determine what actions are available with regard to compliance before any trades are entered into a portfolio management system. See Sands, page 2, paragraph [0038]. Specifically, the system is designed to ensure that trades are in compliance with Rule 2a-7 of the Investment Company Act of 1940. See page 1 paragraph [0005]. The system of Sands may include a window that displays details such as the rules applied to each trade and the limits associated with each rule. See page 12, paragraph [0313]. However, the detail window disclosed in Sands does not display how the limits were calculated for the displayed rules.

Applicant is reminded that...

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Sands et al. was simply used to teach displaying.

The combination of Sands and Cwenar does not disclose or suggest a method of determining buying power that includes displaying a rule description box that defines how a transaction limit was calculated. The Office argues that an audit trail, as disclosed in Cwenar, "would describe in detail how a transaction limit for a compliance rule was calculated" and that "applying display [as taught by Sands] to Cwenar with compliance rules would have been recognized by those of

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ordinary skill in the art as resulting in an improved system that would have allowed access to rules being applied to the system." These assertions are not supported by the disclosures of either Cwenar or Sands. Cwenar indicates that "if a violation of the legal rules is found to exist, the next action is to prepare an audit trail report or record of the event 163 and to stop the trade..." See Cwenar, col. 12, lines 28-30 (emphasis added). Further, Cwenar indicates that depending on the nature of the rule that is violated and the preferences of the system user, "the consequences may be anything from stopping a trade or delaying a trade pending a further input from the user to doing nothing more than making a record of the departure from the rules." See col. 11, lines 51-63 (emphasis added). In other words, the audit report is simply a record, for future retrieval, created to show that a user of the system described in Cwenar attempted to initiate a trade in violation of one or more rules. The record may not even be accessible to the user who violated the rules.

Ignoring whether or not the audit trail report is equivalent to the rule description box, no patentable weight was and is given to non-functional descriptive material.

The audit trail report disclosed in Cwenar is not equivalent to the rule description box recited in claim 1. The Office concludes, without support, that the audit trail report disclosed in Cwenar "would describe in detail how a transaction limit for a compliance rule was calculated." This conclusion is not justified by the limited disclosure of Cwenar. As explained above, the system of Cwenar produces a report or record indicating that a trade was attempted in violation of predetermined rules. There is no support in Cwenar for the assumption that the reports produced by the system show in detail how transaction limits for compliance rules were calculated. The Office argues that "an audit trail is just that, a step-by-step detail of how a number is determined" and that "Cwenar has not defined or redefined what an audit trail is in their specification, therefore, the common understood meaning is appropriate." The Office has not provided any evidence that its preferred definition is indeed the "common understood meaning" of the term "audit trail report." Further, the disclosure of Cwenar supports the conclusion that an "audit trail report" is nothing more than a report or record of rule violations. See col. 13, lines 11-14; col. 11, lines 58-63; col. 12, lines 53-56.

From Friedman (Jack P. Friedman, "Dictionary of Business Terms," 2000, 3rd Edition, pg. 42):

"Audit Trail step-by-step record by which accounting data can be traced to their source. Questions as to the validity or accuracy of an accounting figure can be resolved reviewing the sequence of events from which the figure resulted."

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The Office has indicated that it has given "no patentable weight to particular arrangements of data on a display that are non-functional descriptive material" such as "a buying power message box" and "a rule description box." Applicant respectfully submits that displaying a buying power message box showing a sorted set of compliance rules and the calculated transaction limit for each rule together with a rule description box that defines how the transaction limit was calculated allows a portfolio manager to quickly ascertain the buying power of a portfolio and to better understand the basis for any transaction limits. See Specification, page 10, lines 5-11. In other words, the arrangement and contents of the buying power message box and the rule description box requires a functional interrelationship among that data and the computing processes performed when utilizing that data. Consequently, these elements should properly be given patentable weight.

From above...

>>In other words, the arrangement and contents of the buying power message box and the rule description box requires a functional interrelationship among that data and the computing processes performed when utilizing that data.<<

Respectfully, how is there a functional interrelationship among data that was computed? The fact that data being displayed was computed and arranged in a particular manner does not provide functionality. Just about all displays provide calculated data arranged in a particular manner.

Reich fails to overcome the deficiencies of Cwenar and Sands, as noted above. Reich discloses a system for automating transaction compliance checks via a computer communications system. In particular, the compliance system includes a rules processing engine that has access to predefined sets of compliance rules, profile information used to determine which compliance rules apply to a given request, and other information, such as trading history. See Reich, paragraph [0008]. A list server is connected to list storage areas and to the rules engine and is configured to process the information in the restriction lists and indicate, in response to a query from the rules engine, which restrictions are relevant to a given request. See paragraph [0009]. The system described in Reich may be connected to or integrated with an electronic trading system. The system can be implemented using conventional electronic circuitry or in computer hardware, firmware, software, or in a combination of these technologies. See paragraph [0061]. Although Reich describes and automated compliance checker that assigns priority to a set of compliance rules to determine the order in which the rules are evaluated, Reich fails to disclose or suggest a method that includes displaying a buying power message box along with a rule description box that defines how a transaction limit was calculated. Consequently, claim 1 is patentable over Cwenar, Sands, and Reich, either individually or in combination.

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Applicant is reminded that...

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Reich was not used to teach display a message or description box.

Independent claims 22 and 25 each recite means for or the step of displaying a rule description defining how a transaction limit was calculated. Thus, for at least the reasons given above regarding claim 1, claims 22 and 25 are patentable over Cwenar, Sands, and Reich, either individually or in combination. Claim 32 depends from independent claim 1 and is patentable over the cited references at least based on this dependency.

For the reasons cited above, the Examiner respectfully maintains the prior rejection.

The Office also asserts that under 35 U.S.C. § 103(a), claims 6, 7, 23, and 24 are unpatentable over Cwenar in view of Sands and Reich, and further in view of U.S. Patent Application Publication No. 2004/0220872 to Pollock. As outlined above, Cwenar, Sands, and Reich, either individually or in combination, fail to disclose or suggest each element recited in independent claim 1. Claims 6 and 7 depend from independent claim 1 and so are patentable over Cwenar, Sands, and Reich for at least the reasons given above in regard to claim 1. Claims 23 and 24 depend from independent claim 22 and are patentable over the cited references for at least the reasons given above regarding claim 22.

Pollock fails to overcome the deficiencies of Cwenar, Sands, and Reich. Pollock discloses methods for lending based on an asset and securitization of loan interests. The Office relies on Pollock for its disclosure of receiving a proposed nominal value of an appreciation loan associated with an appreciating asset, and determining whether the nominal value meets guidelines of a lender. Pollock does not disclose or suggest the step of displaying a rule description box that defines how a transaction limit was calculated. For at least this reason, claims 6, 7, 23, and 24 are patentable over Cwenar, Sands, Reich, and Pollock, either individually or in combination.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642

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F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Pollack, III was only used to teach nominal value.

The Office also asserts that under 35 U.S.C. § 103(a), claims 15 and 18 are unpatentable over Cwenar in view of Sands and Official Notice. Claims 15 and 18 have been canceled; this rejection is now moot.

Noted.

Finally, the Office asserts that under 35 U.S.C. § 103(a), claim 28 is unpatentable over U.S. Patent No. 6,820,069 to Kogan in view of Reich, and further in view of Cwenar.

Independent claim 28 recites a system for facilitating trade entry and portfolio management. The system includes a user interface interacting with a control program, a data storage device, and a processor. The user interface includes a financial security section displaying the name of a security as well as data associated with the security; a portfolios section displaying data retrieved from the data storage device, the data including a selectable list of investment portfolios and a buying power limit for the security associated with each of the investment portfolios; a buying power module displaying a list of compliance rules retrieved from the data storage device and a transaction limit calculated by the processor, the transaction limit being associated with each compliance rule; and a rule description section of the user interface displaying how the transaction limit was calculated. The compliance rules and associated transaction limits are listed from lowest transaction limit to highest transaction limit in the buying power module and are applicable to a currently selected investment portfolio in the portfolios section.

The system consists of: 1) a user interface; 2) data storage device; 3) and a processor.

Kogan discloses a memory server that executes queries to determine compliance with rules by using a rule definition language. See col. 2, lines 46-66. The memory server may be used in determining compliance for securities trading. The Kogan reference describes, in great detail, the implementation of the rule definition language on the memory server. However, Kogan describes only a general-purpose computer system and user interface. See cols. 14 and 15; Kogan fails to disclose or suggest a user interface with features that include a financial security section, a portfolios section, a buying power module, and a rule description section, as recited in independent claim 28. For example, Kogan

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does not disclose or suggest a rule description section displaying how a transaction limit was calculated.

Respectfully, a system is made up of hardware components. Kogan provides a user interface, data storage and processor. Claim 28 provides details a display, but again that is directed to non-functional descriptive material. Again, it is pointed out that anyone with a computer that displays something could argue their display is unique and therefore patentable. It is functionality, not descriptive material that is patentable (assuming it is non-abstract).

Reich fails to overcome the deficiencies of Kogan noted above. Reich discloses a system for automating transaction compliance checks via a computer communications system. In particular, the compliance system includes a rules processing engine that has access to predefined sets of compliance rules, profile information used to determine which compliance rules apply to a given request, and other information, such as trading history. See page 1, paragraph [0008]. A list server is connected to list storage areas and to the rules engine and is configured to process the information in the restriction lists and indicate, in response to a query from the rules engine, which restrictions are relevant to a given request. See page 1, paragraph [0009]. The system described in Reich may be connected to or integrated with an electronic trading system. The system can be implemented using conventional electronic circuitry or in computer hardware, firmware, software, or in a combination of these technologies. See page 6, paragraph [0061]. Although Reich describes in general terms the back-end functions of an automated compliance checker, Reich fails to disclose or suggest a user interface having the specific features recited in independent claim 28.

Reich was only used to teach lowest an highest transaction limits.

The Office acknowledges that both Kogan and Reich fail to disclose or suggest displaying details of how a transaction limit was calculated, but asserts that the disclosure of audit trail reports "would describe in detail how a transaction limit for a compliance calculated." As explained above with regard to claim 1, this assertion is not supported by the disclosure of Cwenar. Consequently, claim 28 is patentable over Kogan, Reich, and Cwenar, either individually or in combination.

The rejections are respectfully maintained. Displaying information in a particular format is not patentable. Displays can be given patentable weight if they are linked in some manner to a non-abstract functional step. Applicant's argument above that a user would benefit from seeing the information in the display is also problematic since a human being evaluating something provides an abstract result that is also not patentable.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 25 is rejected for using "means plus function" language, attempting to invoke 35 USC 112, 6th paragraph, where no structure is provided in the specification to support such usage. The specification does not explicitly limit the implementation of the "means for" structure using a specific (non-general) computer with a specific algorithm for the stated functionality. For example, claim 25, step g has means for displaying the sorted applicable compliance rules, where any general computer display would work. (CAFC, Aristocrat Technologies Australia Pty Ltd. v. International Game Technology, 2008)

Examiner Request

6. The Applicant is requested to indicate where in the specification there is support for amendments to claims should Applicant amend. The purpose of this is to reduce potential 35 U.S.C. §112, 1st paragraph issues that can arise when claims are amended without support in the specification. The Examiner thanks the Applicant in advance.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1, 22, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,079 to Cwenar in view of U.S. Pub. No. 2002/0082979 to Sands et al. and Pub. No. US 2002/0059107 to Reich et al.

[Note that the analysis for the method claim (22) also applies to the respective system claim (25).]

Regarding claim 1:

A computer implemented method of determining the buying power of an investment portfolio for a given security, the method comprising the steps of:

a) storing a set of compliance rules in a database, each of the compliance rules defining a limit on the amount of shares of the security that can be added to the investment portfolio based on predetermined criteria;

Cwenar provides:

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Compliance rules for investment portfolios...

"The system further provides, in preferred forms, the use of relational databases and central data repository, the use of dynamically linked library architecture with firewalls, rules-based compliance systems and great flexibility in respect of storage and communication of investment information." (col. 14, lines 10-15)

"It is another object of the present invention to provide such a system which permits real-time, rule-based compliance review in order to determine that a proposed transaction will not violate predetermined rules." (col. 2, lines 66-67 and col. 3, lines 1-2)

b) calculating a transaction limit for a proposed transaction involving the security for each compliance rule in the set of compliance rules;

"It is another object of the present invention to provide such a system which permits real-time, rule-based compliance review in order to determine that a proposed transaction will not violate predetermined rules." (col. 5, lines 22-26). For a transaction not to violate predetermined rules requires calculation of a transaction limit.

"In the event a proposed transaction or prospectus violates such rules, the system would, in the preferred embodiment, issue a message or take action to terminate the transaction. By way of specific example, a mutual fund might be prohibited from purchasing a certain category of stocks or from owning more than a certain percentage of a certain category of investment." (col. 11, line 67 and col. 12, lines 1-6)

c) sorting the set of compliance rules from most restrictive to least restrictive based on the calculated transaction limit for each compliance rule, wherein the most restrictive compliance rule has the lowest transaction limit and the least restrictive compliance rule has the highest transaction limit, and wherein the steps of calculating the transaction limit and sorting the set of compliance rules are performed by an analytical server;

Cwenar teaches:

"The system also provides compliance means which serves to on a real-time basis compare a proposed trade with a group of rules which can be prioritized with respect to legal or business standards and provide instructions regarding stopping, delaying or proceeding with the proposed trade with appropriate records being kept." (col. 2, lines 41-46)

"The system also provides compliance means which serves to on a real-time basis compare a proposed trade with a group of rules which can be prioritized with respect to legal or business standards and provide instructions regarding stopping, delaying or proceeding with the proposed trade with appropriate records being kept." (col. 2, lines 41-46) It would be

inherent that the most restrictive rule would have the lowest transaction limit and the least restrictive rule would have the highest transaction limit.

"The logic functions, processing, creating and storage, and export of data will occur within the server means 4." (col. 4, lines 39-41) Processing logic functions involves calculating with the server limits.

See Sorting with Server below.

d) displaying a buying power message box on an output device, wherein the buying power message box displays the sorted set of compliance rules and the calculated transaction limit for each rule; and

"It will be appreciated, therefore, that the present invention provides an improved system for receiving, processing, storing, creating, displaying and acting upon a wide variety of investment data, including the data employed in managing mutual funds and effecting trades." (col. 13, lines 62-66)

"A request for data or information originating within the external user interface results in the server means processing the request as by finding the data in the main or central database and returning the information to the external user interface for processing, such as display, performing calculations and performing spreadsheet-like, what-if calculations." (col. 4, lines 7-13)

(see Display below)

e) displaying a rule description box on the output device with the buying power message box, wherein the rule description box defines how the transaction limit was calculated.

"It is another object of the present invention to provide such a system which permits real-time, rule-based compliance review in order to determine that a proposed transaction will not violate predetermined rules." (col. 2, lines 66-67 and col. 3, lines 1-2)

"By way of specific example, a mutual fund might be prohibited from purchasing a certain category of stocks or from owning more than a certain percentage of a certain category of investment. These legal requirements may be considered a first group of rules." (col. 12, lines 3-7)

"If a violation of the legal rules is found to exist, the next action is to prepare an audit trail report or record of the event 163 and to stop the trade 164 and communicate such stopping to the user who attempted the transaction or, if batch processing is employed during off

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hours, appropriate reports would be prepared for subsequent delivery.”
(col. 12, lines 28-34)

Therefore an audit trail would describe in detail how a transaction limit for a compliance rule was calculated.

Sorting with Server

Cwenar teaches a compliance system based on rules and proposed transactions. Cwenar also teaches a server and prioritizing rules. He does not teach sorting compliance rules from least to most restrictive by a server.

Reich et al. teaches also in the business of compliance rules teaches:

“In order to improve response time, the list server 34 can include a list cache 35 which is used to store restrictions obtained from the control lists 36. While the cache can reflect the restrictions in the form they are stored in the lists, the listed restrictions are preferably processed before being cached in order to combine related restrictions, perhaps from multiple lists, into a format which can be efficiently searched and updated. For example, the restrictions can be stored in a tree-format in which the highest level is the issuer and the details about restrictions on securities by that issuer, including the list where the restriction is present and other data, are contained in descendant nodes.” [0038]

“According to a further aspect of the invention, each compliance rule has an associated priority which indicates an order in which the rules in the compliance rule set are evaluated by the rules engine 30. The priority can be used to ensure that one class of rules is evaluated before rules in another class.” [0050]

It would have been obvious to one of ordinary skill in the art at the time of invention to include in the compliance system of Cwenar the sorting capability from least to most restrictive with a server of Reich et al. since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Display

Cwenar teaches compliance system based on rules for fixed instruments and a display with what-if scenarios.

Cwenar fails to explicitly teach displaying compliance rules and transaction limits.

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However, Sands et al. teaches displaying rules and limits.

Sands et al. teaches:

"FIG. 7 is a printscreen that displays a detail window activated when the trader double-clicks a fund in the Quick Look window to see details of the rules applied and each of their limits. There are two columns for each rule. The first column considers only trades that have been authorized by a trader, while the second column displays values when preliminary trades are also considered. Notice that there are two rules that display that the fund is already over a limit. This is due to the fact that the funds shown here do not use this provision of the rule." ¶ [0313]

This known technique of displaying compliance rules and limits is applicable to Cwenar as they both share the characteristics and capabilities, namely, they are directed to evaluating transactions using compliance rules.

One of ordinary skill in the art at the time of invention would have recognized that applying the known technique of displaying taught by Sands et al. would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Sands et al. to the teachings of Cwenar would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate displaying features into similar systems. Further, applying display to Cwenar with compliance rules would have been recognized by those of ordinary skill in the art as resulting in an improved system that would have allowed for access to rules being applied by the system.

No Patentable Weight is given to particular arrangements of data on a display that are directed to non-functional descriptive material. For example, a "buying power message box" and a "rule description box" are mere arrangements of data. (see MPEP 2106.01 II)

Regarding claims 22 and 25:

(claim 22) A computer implemented method of determining the buying power of an investment portfolio comprising the steps of:

a) receiving a request to analyze a proposed transaction involving a security from a portfolio manager for a selected portfolio stored in a portfolio database;

Cwenar provides:

"This invention relates to a system for receiving, processing, creating and storing for selective retrieval investment information and, more specifically, it provides a system wherein external data interface means

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receives and processes investment information from nonuser outside sources which is delivered to a server which receives, processes, creates investment information and starts the same in a central database, and also provides access to the server through the external user interface means." (col. 1, lines 11-20)

"It is another object of the present invention to provide such a system which will permit the rapid and accurate computerized processing of large volumes of investment data, such as that involved in mutual fund transactions and portfolio management, for example." (col. 3, lines 23-27)

b) retrieving the selected portfolio from the portfolio database;

Ability to access portfolio information (in this case a mutual fund)...

"If a user 22, 24, 26, 28 acting through the external user interface 2 desires to access within server means 4, information such as what companies are held by mutual fund XYZ, information from column A of the relational database would be provided." (col. 9, lines 30-34)

c) accessing a set of compliance rules related to the selected portfolio from a rules database;

"The compliance check may be performed on both the external user interface and the server employing rules stored in the main database." (col. 2, lines 46-48)

d) determining whether each compliance rule in the set of compliance rules related to the selected portfolio applies to the proposed transaction;

"The system also provides compliance means which serves to on a real-time basis compare a proposed trade with a group of rules which can be prioritized with respect to legal or business standards and provide instructions regarding stopping, delaying or proceeding with the proposed trade with appropriate records being kept." (col. 2, lines 41-46)

e) calculating a transaction limit for the proposed transaction for each applicable compliance rule in the set of compliance rules;

"It is another object of the present invention to provide such a system which permits real-time, rule-based compliance review in order to determine that a proposed transaction will not violate predetermined rules." (col. 2, lines 66-67 and col. 3, lines 1-2)

"In the event a proposed transaction or prospectus violates such rules, the system would, in the preferred embodiment, issue a message or take action to terminate the transaction. By way of specific example, a mutual fund might be prohibited from purchasing a certain category of stocks or

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from owning more than a certain percentage of a certain category of investment.” (col. 11, line 67 and col. 12, lines 1-6)

f) sorting each applicable compliance rule from most restrictive to least restrictive

“The system also provides compliance means which serves to on a real-time basis compare a proposed trade with a group of rules which can be prioritized with respect to legal or business standards and provide instructions regarding stopping, delaying or proceeding with the proposed trade with appropriate records being kept.” (col. 2, lines 41-46)

See Sorting with Server below.

g) displaying the sorted applicable compliance rules and the calculated transaction limit for each rule;

“It will be appreciated, therefore, that the present invention provides an improved system for receiving, processing, storing, creating, displaying and acting upon a wide variety of investment data, including the data employed in managing mutual funds and effecting trades.” (col. 13, lines 62-66)

“A request for data or information originating within the external user interface results in the server means processing the request as by finding the data in the main or central database and returning the information to the external user interface for processing, such as display, performing calculations and performing spreadsheet-like, what-if calculations.” (col. 4, lines 7-13)

(Display below)

h) calculating the buying power of the selected portfolio for the proposed transaction, wherein the buying power is equal to the transaction limit for the most restrictive of the applicable compliance rules; and

Cwenar provides:

“The system also provides compliance means which serves to on a real-time basis compare a proposed trade with a group of rules which can be prioritized with respect to legal or business standards and provide instructions regarding stopping, delaying or proceeding with the proposed trade with appropriate records being kept.” (col. 2, lines 41-46) Therefore, prioritized rules are available, and a proposed trade is compared against them. It would be inherent that a trade would be gated by the most restrictive rule.

i) displaying the name of the selected portfolio and its associated buying power for the proposed transaction involving the security; and

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"It will be appreciated, therefore, that the present invention provides an improved system for receiving, processing, storing, creating, displaying and acting upon a wide variety of investment data, including the data employed in managing mutual funds and effecting trades." (col. 13, lines 62-66) It would be inherent in displaying mutual fund information to display the name of the fund, for example.

- j) displaying a rule description defining how the transaction limit was calculated.

"It is another object of the present invention to provide such a system which permits real-time, rule-based compliance review in order to determine that a proposed transaction will not violate predetermined rules." (col. 2, lines 66-67 and col. 3, lines 1-2)

"By way of specific example, a mutual fund might be prohibited from purchasing a certain category of stocks or from owning more than a certain percentage of a certain category of investment. These legal requirements may be considered a first group of rules." (col. 12, lines 3-7)

"If a violation of the legal rules is found to exist, the next action is to prepare an audit trail report or record of the event 163 and to stop the trade 164 and communicate such stopping to the user who attempted the transaction or, if batch processing is employed during off hours, appropriate reports would be prepared for subsequent delivery." (col. 12, lines 28-34)

Therefore an audit trail would describe in detail how a transaction limit for a compliance rule was calculated.

- k) wherein each of the above steps is performed using a computer.

Cwenar teaches a server (e.g. Fig. 4, ref. 100)

Sorting with Server

Cwenar teaches a compliance system based on rules and proposed transactions. Cwenar also teaches a server and prioritizing rules. He does not teach sorting compliance rules from least to most restrictive by a server.

Reich et al. teaches also in the business of compliance rules teaches:

"In order to improve response time, the list server 34 can include a list cache 35 which is used to store restrictions obtained from the control lists 36. While the cache can reflect the restrictions in the form they are stored in the lists, the listed restrictions are preferably processed before being cached in order to combine related restrictions, perhaps from multiple lists, into a format which can be

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efficiently searched and updated. For example, the restrictions can be stored in a tree-format in which the highest level is the issuer and the details about restrictions on securities by that issuer, including the list where the restriction is present and other data, are contained in descendant nodes." [0038]

"According to a further aspect of the invention, each compliance rule has an associated priority which indicates an order in which the rules in the compliance rule set are evaluated by the rules engine 30. The priority can be used to ensure that one class of rules is evaluated before rules in another class." [0050]

It would have been obvious to one of ordinary skill in the art at the time of invention to include in the compliance system of Cwenar the sorting capability from least to most restrictive with a server of Reich et al. since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Display

Cwenar teaches compliance system based on rules for fixed instruments and a display with what-if scenarios.

Cwenar fails to explicitly teach displaying compliance rules and transaction limits.

However, Sands et al. teaches displaying rules and limits.

Sands et al. teaches:

"FIG. 7 is a screenshot that displays a detail window activated when the trader double-clicks a fund in the Quick Look window to see details of the rules applied and each of their limits. There are two columns for each rule. The first column considers only trades that have been authorized by a trader, while the second column displays values when preliminary trades are also considered. Notice that there are two rules that display that the fund is already over a limit. This is due to the fact that the funds shown here do not use this provision of the rule." ¶ [0313]

This known technique of displaying compliance rules and limits is applicable to Cwenar as they both share the characteristics and capabilities, namely, they are directed to evaluating transactions using compliance rules.

One of ordinary skill in the art at the time of invention would have recognized that applying the known technique of displaying taught by

Sands et al. would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Sands et al. to the teachings of Cwenar would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate displaying features into similar systems. Further, applying display to Cwenar with compliance rules would have been recognized by those of ordinary skill in the art as resulting in an improved system that would have allowed for access to rules being applied by the system.

No Patentable Weight is given to particular arrangements of data on a display that are directed to non-functional descriptive material. For example, a “buying power message box” and a “rule description box” are mere arrangements of data. (see MPEP 2106.01 II)

Regarding claim 32:

The method of claim 1, wherein the predetermined criteria include at least one of duration guidelines, asset allocation guidelines, credit ratings, and restricted security lists.

Cwenar teaches:

“With respect to business preference items, for example, there may be certain preferences regarding ratings, diversification, maturity dates or yields, or time limits on certain rules that would be introduced into the preference rules.” (col. 12, lines 11-16)

10. Claims 6-7 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined references in section (9) above in further view of Pub. No. US 2004/0220872 to Pollock, III.

Regarding claim 6:

The method according to claim 1, further comprising using the analytical server to test each compliance rule against the proposed transaction using a nominal transaction value.

While Cwenar teaches applying compliance rules to a proposed transaction and server, he does not teach using a nominal transaction value.

Pollock, III also in the business of compliance rules teaches:

“... the invention features a method that includes receiving a proposed nominal value of an appreciation loan associated with an appreciating asset, and determining whether the nominal value meets guidelines of a lender of the loan.”

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add a test for nominal value, motivated by Pollock, III, and that doing this would be an added proposed transaction that would easy to carry out by Cwenar's system.

Regarding claim 7:

A method according to claim 6, further comprising the step of using the analytical server to determine that the buying power of the portfolio for the proposed transaction is zero if the nominal transaction value for the proposed transaction violates a compliance rule.

It is inherent in compliance rule testing that if the test fails, a proposed transaction would not occur, and therefore the value of the proposed transaction would be zero.

Regarding claim 23:

A method according to claim 22, wherein the step of determining whether each compliance rule in the set of compliance rules applies to the proposed transaction includes testing each compliance rule against the proposed transaction using a nominal transaction value.

While Cwenar teaches applying compliance rules to a proposed transaction, he does not teach using a nominal transaction value.

Pollock, III also in the business of compliance rules teaches:

"... the invention features a method that includes receiving a proposed nominal value of an appreciation loan associated with an appreciating asset, and determining whether the nominal value meets guidelines of a lender of the loan."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add a test for nominal value, motivated by Pollock, III, and that doing this would be an added proposed transaction that would easy to carry out by Cwenar's system.

Regarding claim 24:

A method according to claim 23, further comprising the step of determining that the buying power of the selected portfolio for the proposed transaction is zero if the nominal transaction value violates a compliance rule related to the selected portfolio.

It is inherent that if a proposed transaction fails a compliance rule, a transaction will not occur.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,820,069 to Kogan et al. in view of U.S. Pub. No. 2002/0059107 to Reich et al. and in further view of U.S. Patent No. 5,893,079 to Cwenar.

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Regarding claim 28:

A system for facilitating trade entry and portfolio management, the system comprising:

- a) a user interface interacting with a control program, a data storage device, and a processor;

Kogan et al. teaches:

"The compliance server 140 includes, at a minimum, system memory, processor, network interface capabilities, and input/output access to a persistent datastore." (col. 4, lines 9-12) Inherent with the input/output access would be a user interface.

"The computer system 1000 further includes a mass storage device 1022, peripheral device(s) 1030, portable storage medium drive(s) 1040, input control device(s) 1070, a graphics subsystem 1050, and an output display 1060." (col. 14, lines 46-49)

- b) a financial security section of the user interface displaying the name of a security as well as data associated with the security;

Kogan et al. teaches:

"For example, in a pre-trading application for financial securities, the local query data consists of parameters of the trade (e.g., security identification, price, quantity of shares, etc.)" (col. 4, lines 23-26) Therefore, security data is accessible via a user interface.

- c) a portfolios section of the user interface displaying data retrieved from the data storage device, the data including a selectable list of investment portfolios and a buying power limit for the security associated with each of the investment portfolios; and

Kogan et al. teaches:

"For example, institutional investors have regulatory obligations with regard to trading. Furthermore, money managers, such as managers of mutual funds, also have guidelines for securities transactions. A portfolio manager for a large institutional investor may impose specific guidelines or rules regarding the diversification of the portfolio. For example, the institutional investors may wish to limit the amount of securities held for a particular industry, define a minimum trading amount, list securities that are not to be purchased for that institutional investor, etc. In addition, a portfolio owner may impose on a broker a number of limitations regarding the type and quantity of securities for trading." (col. 1, lines 28-40) Inherent in managing mutual funds would be access to the different fund portfolios.

"Typically, the data is stored in tables in a persistent datastore (e.g., a hard disk drive)." (col. 1, lines 59-60) Tables would provide information in list form.

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d) a buying power module of the user interface displaying a list of compliance rules retrieved from the data storage device and a transaction limit calculated by the processor, the transaction limit being associated with each compliance rule, wherein the compliance rules and associated transaction limits are listed from lowest transaction limit to highest transaction limit and are applicable to a currently selected investment portfolio in the portfolios section of the user interface; and

Kogan et al. teaches transaction limits:

“A portfolio manager for a large institutional investor may impose specific guidelines or rules regarding the diversification of the portfolio. For example, the institutional investors may wish to limit the amount of securities held for a particular industry, define a minimum trading amount, list securities that are not to be purchased for that institutional investor, etc. In addition, a portfolio owner may impose on a broker a number of limitations regarding the type and quantity of securities for trading.” (col. 1, lines 31-40)

(Also, see Limits below)

e) a rule description section of the user interface displaying how the transaction limit was calculated.

(see Rule description below)

Limits

Kogan et al. teaches accessible compliance rules and transaction limits. Kogan et al. fails to teach a list of compliance rules from lowest transaction limit to highest transaction limit.

However, Reich et al. teaches the known technique of lowest and highest transaction limits.

Reich et al. teaches list of compliance rules:

“A list server is connected to the list storage areas and the rules engine and is configured to process the information in the restriction lists and indicate, in response to a query from the rules engine, which restrictions are relevant to a given request.” ¶ [0009]

“Various features can be implemented in the system to enhance functionality and increase performance. In one implementation, compliance rules are assigned a specified priority which is used to determine the order in which the rules are evaluated.” ¶ [0012]

“When multiple restrictions are in place for a given instrument, the list server 34 can limit the number of restrictions to be considered by returning only restrictions having a minimum severity level or only

the most severe restriction. In a specific embodiment, when more than one restriction on a given instrument is present in the same control list, the list server 34 will return only the restriction having the highest severity level from that list. Because which list a restriction appears in can effect whether a given party is in compliance, in this embodiment, if a restriction is present in more than one list, the most severe restriction from each list is returned." ¶ [0039] Inherent in determining, for example, which has the highest severity level in a list would be sorting the list by severity.

This known technique is applicable to Kogan et al. as they both share characteristics and capabilities, namely, they are directed to compliance rules.

One of ordinary skill in the art at the time of invention would have recognized that applying the known technique of Reich et al. would have yielded the predictable results and resulted in an improved system. It would have been recognized that applying the technique of Reich et al. to the teachings of Kogan et al. would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such sorting features into similar systems. Further, applying sorting from lowest to highest to Kogan et al. would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow detail analysis of the gating effects of compliance rules on the transaction limits.

Rule description

Kogan et al. teaches accessible compliance rules, transaction limits, and reports detailing compliance results. For example:

"The compliance report 170 identifies whether the local query data 120 is in conformance to the rules 150. For example, the compliance report 170 may identify each rule and identify whether the submitted query conforms to that rule." (col. 4, lines 33-37)

"The client application or interface agent then formulates a query. In response to the query, the RDL compliance server 530 generates a compliance report to detail the compliance results." (col. 7, lines 39-42)

Kogan et al. fails to specify displaying details of how a transaction limit was calculated.

Cwenar discloses a compliance rules system that teaches the known technique of audit trails:

"It is another object of the present invention to provide such a system which permits real-time, rule-based compliance review in

order to determine that a proposed transaction will not violate predetermined rules." (col. 2, lines 66-67 and col. 3, lines 1-2)

"By way of specific example, a mutual fund might be prohibited from purchasing a certain category of stocks or from owning more than a certain percentage of a certain category of investment. These legal requirements may be considered a first group of rules." (col. 12, lines 3-7)

"If a violation of the legal rules is found to exist, the next action is to prepare an audit trail report or record of the event 163 and to stop the trade 164 and communicate such stopping to the user who attempted the transaction or, if batch processing is employed during off hours, appropriate reports would be prepared for subsequent delivery." (col. 12, lines 28-34)

Therefore an audit trail would describe in detail how a transaction limit for a compliance rule was calculated.

This known technique of Cwenar is applicable to the Kogan et al. as they both share the characteristics and capabilities, namely they are directed to compliance rules for transactions. One of ordinary skill in the art at the time of invention would have recognized that applying the audit capability of Cwenar would have yielded predictable results and resulted in an improved system. Providing an audit trail which gives details of rule description for a transaction would have been recognized by those of ordinary skill in the art as resulting in an improved system by showing the effect of rule algorithms on transactions, and would enhance the compliance report detail provided by Kogan et al.

No Patentable Weight is given to displays of information that are mere arrangements of data. Such displays are considered non-functional descriptive material. For example, a financial security section, portfolio section, a buying power module displaying a list of compliance rules, a rule description area. (see MPEP 2106.01 II)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH L. BARTLEY whose telephone number is

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(571)272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693